

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DENNIS MCCABE.

Case No. 3:20-cv-00328-MMD-CLB

v. Plaintiff,

ORDER

NEVADA DEPARTMENT OF
CORRECTIONS INMATE BANKING
SERVICES, *et al.*

Defendants.

Plaintiff Dennis McCabe initiated this action with a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1.) On March 31, 2021, the Court issued a screening order pursuant to 28 U.S.C. § 1915A. (ECF No. 8.) The order dismissed McCabe's claims, either with or without prejudice, and gave McCabe leave to file an amended complaint. (*Id.*) McCabe has now filed a motion requesting the Court dismiss this case without prejudice because the issues giving rise to his complaint have been resolved. (*Id.* at 10.) The Court construes this pleading as a motion for voluntary dismissal.

Under Rule 41(a)(1) of the Federal Rule of Civil Procedure, a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). McCabe’s complaint has not been served on Defendants, and thus Defendants have not filed an answer or motion for summary judgment. Accordingly, the Court grants McCabe’s motion to voluntarily dismiss this action without prejudice.

It is therefore ordered that Plaintiff Dennis McCabe's motion for voluntary dismissal (ECF No. 10) is granted.

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1 It is further ordered that this action is dismissed in its entirety without prejudice.
2 The Clerk of Court is directed to enter judgment accordingly and to close this case.
3 DATED THIS 12th Day of April 2021.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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